



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Design, Construction and Land Use**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2207548  
**Applicant Name:** Scott Sloan for Time Oil Company  
**Address of Proposal:** 4900 Leary Avenue NW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for grading to remove 1,000 cubic yards of contaminated soil and to replace with 1,000 cubic yards of backfill for soil remediation at an existing gas station (Time Oil Company).

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

This proposal site located at the northwest corner of 17<sup>th</sup> Avenue NW and Leary Avenue NW in the Ballard neighborhood. The site is currently occupied by a vacant building that was

previously used as a tire store. The site is relatively flat. The site is within a General Industrial 2 zone with a maximum height limit of sixty-five feet for non-industrial uses (IG2 U/65).

#### Development in the Vicinity

The vicinity of the project site is developed with various industrial and commercial uses.

#### Proposal Description

The applicant proposes to grade 1000 cubic yards for soil remediation. Impacted soil will be removed from several locations on the property. The proposal is a result of a subsurface assessment that identified soils exceeding Model Toxics Control Act cleanup criteria of Department of Ecology. The proposal is to remediate accessible soil contamination by excavation. Shoring at the property boundaries will take place. Excavated contaminated soil will be taken off site to a licensed disposal/treatment facility. Noncontaminated soil will be used as backfill material. Samples will be taken during excavation to ensure that all contamination is removed. The completed excavation will be backfilled to meet surrounding paving conditions.

#### Public Comments

There were no public comments on this proposal.

#### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 13 March 2003. The information in the checklist, a subsurface assessment, project plans and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during grading activities; increased traffic and demand for parking from soils hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The proposal includes excavation of soils for soils remediation. The applicant estimates approximately 1,000 cu. yds. of excavation. Contaminated material to be disposed of must be deposited in a licensed, approved site. The Stormwater, Grading and Drainage Control Code regulate site excavation and require that soil erosion control techniques be initiated for the duration of work. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Air Quality - The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Compliance with PSCAA regulations will mitigate the potential adverse short term impacts to air.

Grading - Earth/Soils - The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves cuts greater than three feet in height and grading of more than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Environmental Health - The proposal provides assurance that all contaminated soils will be removed. There can be no way of ensuring that such removal has been achieved in the absence of a statement to that effect by a certified professional. Accordingly, prior to finaling of the permit, such a statement shall be provided.

Traffic - Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site.

### Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential; and stability of the site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

### DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### CONDITIONS – SEPA

#### Prior to finaling the grading permit:

1. The owner(s) and/or responsible party(s) shall provide DCLU certification by a competent professional that all contaminated soils have been removed from the site.

Signature: \_\_\_\_\_ (signature on file) Date: August 4, 2003

Paul Janos, Land Use Planner  
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Land Use Services